

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

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|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 09-00235-01-CR-W-DGK |
| |) | |
| D'SHAUN J. BUTLER, |) | |
| |) | |
| Defendant. |) | |

ORDER

Pending before the Court are Defendant's Motion to Dismiss (Doc. 19), the Government's response (Doc. 23), Defendant's reply suggestions (Doc. 24), the Government's supplemental response (Doc. 25), United States Magistrate Judge John T. Maughmer's Report and Recommendation recommending that the motion be denied (Doc. 35), the Defendant's objections to the Report and Recommendation (Doc. 37) and the Government's Response (Doc. 40). The Court has also fully reviewed the motion hearing transcript (Doc. 32).

After carefully reviewing the Magistrate's report and conducting an independent review of the record and applicable law, it is hereby ORDERED that Magistrate Judge Maughmer's Report and Recommendation be ADOPTED. Defendant's Motion to Dismiss (Doc. 19) is hereby DENIED.

IT IS SO ORDERED.

Date: November 7, 2011

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT